

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
ELLEDGE, et al.

Serial No.: 09/122,384

Filing Date: July 24, 1998

For: RAPID SUBCLONING USING SITE-  
SPECIFIC RECOMBINATION

Group Art Unit: 1636

Examiner: Yucel, I.

Atty. Dkt. No.: BAY136/4-010CIP  
(formerly BCM-03434)

#  
24

RECEIVED

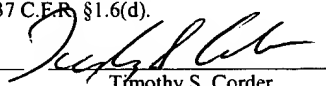
MAR 26 2001

OFFICE OF PETITIONS

CERTIFICATE OF FACSIMILE

I certify that this correspondence is being transmitted by  
facsimile to the Patent and Trademark Office in  
accordance with 37 C.F.R. §1.6(d).

March 16, 2001  
Date

  
Timothy S. Corder

PETITION TO REVIVE AN ABANDONED APPLICATION UNDER 37 C.F.R. §1.137(b)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir or Madam:

The captioned application became abandoned on December 28, 2000 for failure to pay  
the issue fee.

The issue fee of \$1240.00 and the Issue Fee Transmittal are enclosed herewith.

The entire delay in filing the issue fee from the due date until the date of this petition was  
unintentional.

The petition fee of \$1240.00 is also enclosed. If the fee is inadvertently omitted or if  
additional fees are deemed to be due with the filing of this paper, the Commissioner is authorized  
to deduct said fees from deposit account #22-0365/BAY136/4-010CIP.

100-000000-000000-000000

1240.00

The application was filed by David Casimir of Medlen and Carroll LLP of Redwood City, California on July 24, 1998.

On November 19, 1998 the file was transferred to Edwin Flores of Gardere & Wynne LLP of Dallas Texas. Mr. Flores filed a response to a restriction requirement on July 16, 1999 requesting all future correspondence be directed to his office.

All correspondence from the Patent & Trademark Office continued to be transmitted to the office of Medlen & Carroll LLP.

A Final Office Action was issued on February 3, 2000. The Action was mailed to Medlen & Carroll LLP, and was transmitted by that firm to Gardere & Wynne. A response was submitted by Gardere & Wynne on April 3, 2000.

No further correspondence from the Patent & Trademark Office was received by Gardere & Wynne.

Gardere & Wynne submitted an inquiry of the status of the application on September 28, 2000. No reply was received by Gardere & Wynne.

The file was subsequently transferred to Vinson & Elkins LLP. A Power of Attorney to the undersigned representative was executed by the Assignee and filed by facsimile in the Patent & Trademark office on March 2, 2001.

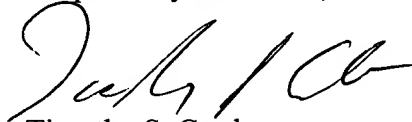
In a telephone inquiry on Monday March 5, 2001 the undersigned learned that the file had been abandoned for failure to pay the issue fee.

Examiner Robert Schwartzman was very helpful in providing copies of the Notice of Allowability, the Issue Fee Transmittal Notice and the Notice of Abandonment.

The copies of the Issue Fee Transmittal and Notice of Abandonment indicate that the originals were sent to David Casimir of Medlen & Carroll. These papers were not received by Gardere & Wynne and are not in the files or file wrapper that was transferred to Vinson & Elkins.

It is respectfully requested that this petition to revive unintentionally abandoned application S.N. 09/122,384 be granted and that the application be issued as a U.S. Patent.

Respectfully submitted,



Timothy S. Corder  
Reg. No. 38,414  
Agent for Applicant

Vinson & Elkins L.L.P.  
2300 First City Tower  
1001 Fannin  
Houston, Texas 77002-6760  
512/495-8446

Date: March 16, 2001

MAR 20 2001

PTO/SB/47 (10-00)

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 12/31/2002. OMB 0651-0016  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# "FEE ADDRESS" INDICATION FORM

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Please recognize as the "Fee Address" under the provisions of 37 CFR 1.363 the following address:

☐ Customer Number

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☐ Request for Customer Number (PTO/SB/125) attached hereto

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Code Label here

<input checked="" type="checkbox"/> Firm or Individual Name	Timothy S. Corder, VINSON & ELKINS LLP				
Address	2300 First City Tower				
Address	1001 Fannin				
City	Houston	State	TX	ZIP	77002
Country	USA				
Telephone	(512) 495-8446	Fax	(512) 236-3377		

in the following listed application(s) for which the Issue Fee has been paid or patent(s).

PATENT NUMBER (if known)	APPLICATION NUMBER
<p>RECEIVED</p> <p>MAR 26 2001</p> <p>OFFICE OF PETITIONS</p>	<p>RECEIVED</p> <p>09/122,384</p> <p>MAR 26 2001</p> <p>OFFICE OF PETITIONS</p>

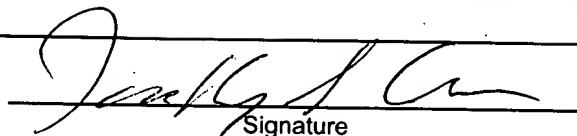
(check one)

☐ Applicant/Inventor

☒ Attorney or Agent of record 38,414  
(Reg. No.)

☐ Assignee of record of the entire interest. See  
37 CFR 3.71. Statement under 37 CFR 3.73(b)  
is enclosed. (Form PTO/SB/96)

☐ Assignment recorded at Reel          Frame         

  
Signature

Timothy S. Corder  
Typed or printed name

(512) 495-8446

Customer's telephone number

March 16, 2001

Date

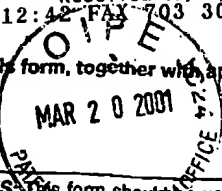
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

Burden Hour Statement: This collection of information is required by 37 CFR 1.363. This information is used by the public to submit (and by the USPTO to process) payment of patent maintenance fees. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 0.08 minutes to complete, including gathering, preparing, and submitting the complete payment of maintenance fees. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Complete and mail this form, together with applicable fees, to:

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 Washington, D.C. 20231



**MAILING INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE. Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Issue Fee Receipt, the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

DAVID A CASIMIR  
 MEDLEN & CARROLL  
 220 MONTGOMERY STREET  
 SUITE 2200  
 SAN FRANCISCO CA 94104

HM12/0628

Note: The certificate of mailing below can only be used for domestic mailings of the Issue Fee Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing.

**Certificate of Mailing**

I hereby certify that this Issue Fee Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above on the date indicated below.

Timothy S. Corder (Depositor's name)

*Timothy S. Corder* (Signature)

March 16, 2001 (Date)

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/122,384	07/24/98	033	YUCEL, I	1636 06/28/00
First Named Applicant	ELLEDGE,	35 USC 154(b) term ext. =	0 Days.	

TITLE OF INVENTION: RAPID SUBCLONING USING SITE-SPECIFIC RECOMBINATION

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 BCM-03434	435-006.000	058	UTILITY	YES	\$605.00	09/28/00

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363). Use of PTO form(s) and Customer Number are recommended, but not required.

☒ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☒ "Fee Address" indication (or "Fee Address" indication form PTO/SB/47) attached.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. VINSON & ELKINS LLP

2. \_\_\_\_\_

3. \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)  
 PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the PTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

BAYLOR COLLEGE OF MEDICINE

(B) RESIDENCE: (CITY & STATE OR COUNTRY)

Houston, Texas

Please check the appropriate assignee category indicated below (will not be printed on the patent)

☐ Individual ☒ corporation or other private group entity ☐ government

4a. The following fees are enclosed (make check payable to Commissioner of Patents and Trademarks):

☒ Issue Fee

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4b. The following fees or deficiency in these fees should be charged to:

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☒ Issue Fee

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The COMMISSIONER OF PATENTS AND TRADEMARKS IS requested to apply the Issue Fee to the application identified above.

(Authorized Signature)

Timothy S. Corder

(Date)

3/16/01

NOTE: The Issue Fee will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the Patent and Trademark Office.

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